IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

AMARILLO MEDICAL SPECIALISTS, LLP, AMARILLO FAMILY PHYSICIANS, PA, and AMARILLO LEGALCY MEDICAL ACO, LLC, Plaintiffs, v. AKOS MD IPA, LLC, and GENUINE HEALTH GROUP, LLC Defendants. 2:23-CV-026-Z-BR GENUINE HEALTH GROUP, LLC Third Party Plaintiff v. MARY BLACK Third Party Defendant.

ORDER DENYING AS MOOT MOTION TO QUASH AND FOR PARTIES TO SUBMIT JOINT ADVISORY

Before the Court is Plaintiffs' July 14, 2025 Motion to Amend Scheduling Order and Quash Deposition Notice. (ECF 138). Plaintiffs move the Court to quash the deposition of Dr. David L. Tyson, which Defendant Genuine Health Group, LLC ("GHG") had noticed for July 14 at 10:00 a.m., and to extend the deadline to complete discovery in this matter by one day—from July 15 to July 16, 2025. (*Id.* at 1–3; *see* ECF 134 at 4).

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¹ The Court's Seventh Amended Scheduling Order, entered June 30, included a deadline to complete discovery by July 1, 2025, with the exception that Dr. Tyson's deposition could be taken on or before July 15. (ECF 134 at 4).

Defendant GHG responded in opposition to Plaintiffs' Motion the same day it was filed. (ECF 139). GHG reminds the Court that Dr. Tyson's deposition was originally noticed on May 28, 2025 and was rescheduled multiple times, with Plaintiffs sometimes notifying GHG of the need to reschedule as late as the previous day. (*Id.* at 2–3).

GHG notes that Plaintiffs' Motion was filed after Plaintiffs had already received the certificate of nonappearance for the July 14 deposition, and separately that the Motion to Quash is not in compliance with the Standing Orders of this Court. (*Id.* at 3–4; *see* ECF 9 at 2–4). Finally, GHG explains that Plaintiffs did not adequately confer about rescheduling the Monday morning deposition, but rather sent an email the previous Friday at 6:56 p.m. stating that Dr. Tyson was out of town until the afternoon of July 16. (ECF 139 at 3–4, n.1).

GHG requests the Court award costs for the attempted July 14 deposition in the amount of \$525.00. (*Id.* at 4). To support this request, GHG has attached to its response the Certificate of Non-Appearance and an invoice from the Court Reporter in that amount. (*Id.* at 6–16).

Plaintiffs' Motion was filed on July 14, 2025, at 10:08 a.m., eight minutes after the deposition was to begin. Accordingly, Plaintiffs' Motion to Quash is DENIED as moot. To permit the parties to complete Dr. Tyson's deposition, Plaintiffs' Motion to Amend Scheduling Order is GRANTED as provided below.

On or before Friday, July 18, 2025, parties are ORDERED to file a Joint Advisory specifying which three dates are mutually acceptable options for conducting Dr. Tyson's deposition. The three dates in the Joint Advisory must come from the list below. The deposition will take place in-person before the undersigned in the second-floor courtroom of the J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse in Amarillo, Texas.

The undersigned and the Courtroom are available for that purpose on the following dates:

Friday, July 25;
Monday, July 28, 8:45 a.m. to 12:00 p.m. only;
Tuesday, July 29, 1:15 p.m. to 5:00 p.m. only;
Monday, August 4, 8:45 a.m. to 12:00 p.m. only;
Tuesday, August 5;
Wednesday, August 6; 1:15 p.m. to 5:00 p.m. only;
Thursday, August 7, 8:45 a.m. to 12:00 p.m. only;
Monday, August 11, 8:45 a.m. to 12:00 p.m. only;
Thursday, August 14; and
Friday, August 15, 1:15 p.m. to 5:00 p.m. only.

After reviewing the availability of the parties, the Court will issue an Order scheduling the deposition for one of the dates indicated. That Order will also include a deadline for Plaintiffs to file any brief showing cause as to why the Court should not award the costs requested by GHG as an appropriate sanction under Federal Rule of Civil Procedure 30(d)(2); parties should be prepared for a hearing on that issue to occur the same day as Dr. Tyson's deposition. Finally, the Court will, at the time of that Order, separately issue an Eight Amended Scheduling Order reflecting the limited continuance of discovery established herein.

UNITED STATES MAGISTRATE JUDGE

IT IS SO ORDERED.

July 15, 2025.